

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CAP IV RIDGELAND, LLC

PLAINTIFF

V.

CIVIL ACTION NO. 3:14-cv-801HTW-LRA

CITY OF RIDGELAND, MISSISSIPPI

DEFENDANT

MOTION TO RE-OPEN CASE

The City of Ridgeland's recent amendments to its 2014 Zoning Ordinance have not undone the harm the City has caused CAP IV, Ridgeland LLC ("CAP IV"). Accordingly, CAP IV intends to pursue this case, and moves the Court to administratively re-open this matter.¹

1. This matter appears to have been administratively closed in error, so CAP IV requests that the Court re-open it.

2. On September 21, 2016, the City's counsel notified the Court it had reached a settlement with the Department of Housing and Urban Development that required the City to amend its 2014 Zoning Ordinance. Exhibit "A". The City indicated an intent to seek leave to file supplemental briefing on summary judgment and requested the Court stay the case and hold a case management conference in late October. *Id.*

3. CAP IV responded that same day and stated it had no objection to the requested stay. Exhibit "B". CAP IV also explained that it intended to seek certain amendments to the case management order.²

4. Neither party requested that the case be closed.

¹ In addition, due to the administrative, clerical nature of the relief sought, CAP IV requests that the Court relieve it of the obligation of filing a separate memorandum.

² CAP IV intends to seek that relief in a subsequent motion.

5. Evidently, in another case relating to the City's 2014 Zoning Ordinance, the City explained to the Court that a settlement among the litigants – as opposed to the settlement with HUD – had been reached. Based on that settlement, the Court closed that case, and evidently this one too. [Dkt. No. 128].

6. No settlement has occurred in this case, and CAP IV intends to pursue its claims.

7. For these reasons, CAP IV moves the Court to vacate the order administratively closing this case, and to place this case back on the active docket.

This 26th day of October, 2016.

Respectfully submitted,

CAP IV RIDGELAND, LLC

By Its Attorneys,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

BY: /s/D. Sterling Kidd
D. STERLING KIDD

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CERTIFICATE OF SERVICE

I hereby certify that I have this 26th day of October 2016, electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all following counsel of record.

/s/D. Sterling Kidd
D. STERLING KIDD